COOPER, WHITE & COOPER LLP
CHRISTOPHER J. MEAD (SBN 115091)
cmead@cwclaw.com
SCOTT M. McLEOD (SBN 242035)
smcleod@cwclaw.com
201 California Street, 17th Floor
San Francisco, California 94111
Telephone: (415) 433-1900
Facsimile: (415) 433-5530

Attorneys for Chuck Etchison

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

MARION LEE CROSS, Plaintiff, vs. CHUCK ETCHISON, Defendant.	CASE NO. 3:15-cv-03146-LB **CHUCK ETCHISON'S ANSWER TO COMPLAINT** Trial Date: None Set

Defendant Chuck Etchison ("Defendant") answers the Complaint of Marion Lee Cross as follows:

1. Defendant lacks information or belief sufficient to admit the allegations in paragraph I.A and on that basis denies them.

2. Defendant lacks information or belief sufficient to admit the allegations in paragraph I.B and on that basis denies them.

3. Defendant lacks information or belief sufficient to admit the allegations in paragraph I.C and on that basis denies them.

4. Defendant lacks information or belief sufficient to admit the allegations in paragraph I.D and on that basis denies them.

5. Defendant lacks information or belief sufficient to admit the allegations in paragraph I.E and on that basis denies them.

6. Defendant lacks information or belief sufficient to admit the allegations in paragraph I.F and on that basis denies them.

7. Defendant lacks information or belief sufficient to admit the allegations in paragraph II.A and on that basis denies them.

8. Defendant admits that he is the Executive Director of Jericho Project, a California non-profit corporation. Defendant lacks information or belief sufficient to admit the remaining factual allegations in paragraph II.B. and on that basis denies them.

9. Defendant admits that Plaintiff was a Beneficiary in the Jericho Project rehabilitation and training program. Defendant denies that he "choked out" or physically assaulted Plaintiff. Defendant lacks information or belief sufficient to admit the remaining factual allegations in paragraph III and on that basis denies them.

10. Defendant denies that Plaintiff is entitled to any of the relief sought in paragraph IV of the complaint. Defendant denies any other factual allegations in paragraph IV of the complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

11. Plaintiff fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Statute of Limitations)

12. Plaintiff's claims are barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

(Failure To Exhaust Administrative Remedies)

13. Plaintiff failed to exhaust his administrative remedies.

FOURTH AFFIRMATIVE DEFENSE

(No Basis for Remedies)

14. Plaintiff is unable to meet the legal requirements for the entry of declaratory and injunctive relief and this his Complaint should be dismissed.

FIFTH AFFIRMATIVE DEFENSE

(Immunity)

15. Defendant is protected by the doctrine of immunity, including any qualified or common law theories of immunity.

SIXTH AFFIRMATIVE DEFENSE

(Fault of Plaintiff)

16. To the extent Plaintiff was injured, his injuries were caused by his own actions.

SEVENTH AFFIRMATIVE DEFENSE

(Fault of Others)

17. To the extend Plaintiff was injured, his injuries were caused by persons other than Defendant.

EIGHTH AFFIRMATIVE DEFENSE

(Defenses Reserved)

18. Defendants reserve the right to amend this answer in order to assert any additional affirmative defenses that may be uncovered or made known during the pendency of this action.

DATED: September 25, 2015

COOPER, WHITE & COOPER LLP

By: ______________________

Scott M. McLeod
Attorneys for Chuck Etchison

PROOF OF SERVICE

I am a resident of the State of California. I am over the age of eighteen years, and not a party to this action. My business address is 201 California Street, Seventeenth Floor, San Francisco, California 94111-5002.

On September 25, 2015, I served the following document(s): **CHUCK ETCHISON'S ANSWER TO COMPLAINT** on each of the parties listed below at the following addresses:

Marion Lee Cross, AV2399 CCC 42-06 UP P.O. Box 2400 Susanville, CA 96127	

BY MAIL: I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date specified above, as to each of the parties identified in the above service list, a true copy of the above-referenced document(s) were placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid; and on that same date that envelope was placed for collection in the firm's daily mail processing center, located at San Francisco, California following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 25, 2015, at San Francisco, California.

Lana Stern